AMENDMENT

In the claims:

Please amend the claims as follows:

1. – 27. Cancelled.

28. (previously presented) A fastener for use in a mammalian body, comprising:

a first member;

a second member,

the first and second members having first and second ends;

a connecting member fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members,

the first and second members being separated by the connecting member, and

one of the first and second members having a longitudinal axis and a through channel along the axis arranged to be slidingly received on a tissue piercing deployment wire,

wherein at least one of the first and second members includes a plurality of longitudinally spaced vertical slots rendering the at least one of the first and second members flexible in a direction opposite the slots but stiff in a direction of the slots.

29. – 40. Cancelled.

41. (previously presented) A fastener for use in a mammalian body, comprising:

a first member;

a second member,

the first and second members having first and second ends; and

a connecting member fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members,

the first and second members being separated by the connecting member, and

one of the first and second members having a longitudinal axis and a through channel along the axis arranged to be slidingly received on a tissue piercing deployment wire,

wherein the first member, the second member, and the connecting member are integrally formed from a same tubular member stock, and

wherein the connecting member comprises a strip of the tubular member formed by a pair of longitudinal substantially parallel, substantially coextensive cuts within the tubular member and the first and second members are formed by a substantially transverse circumferential cut between the substantially parallel coextensive cuts.

42. (original) The fastener of claim 41 wherein the tubular member has first and second opposed ends and wherein the substantially parallel substantially coextensive cuts begin spaced from the first end and terminate spaced from the second ends, and wherein the first and second members are tubular member sections between the circumferential cut and the tubular member first and second ends.

43. (original) The fastener of claim 42 further comprising an elongated notch extending from one of the ends of the tubular member, substantially diametrically opposite and juxtaposed to a portion of the connecting member strip.

44. – 76. Cancelled.

77. (previously presented) A fastener assembly for use in a mammalian body, comprising:

a fastener including a first member, a second member, wherein the first and second members have first and second ends, and a connecting member fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members, wherein the first and second members are separated by the connecting member, and wherein one of the first and second members has a longitudinal axis and a through channel along the axis;

a deployment wire that slidingly receives the through channel of the one of the first and second members and pierces into the tissue; and

a pusher that pushes the one of first and second members into the tissue while on the deployment wire,

wherein at least one of the first and second members of the fastener includes a plurality of longitudinally spaced vertical slots rendering the at least one of the first and second members flexible in a direction opposite the slots but stiff in a direction of the slots.

78. – 85. Cancelled.

86. (previously presented) A fastener assembly for use in a mammalian body, comprising:

a fastener including a first member, a second member, wherein the first and second members have first and second ends, and a connecting member fixed to each of the first and second members intermediate the first and second ends and extending between the first and second members, wherein the first and second members are separated by the connecting member, and wherein one of the first and second members has a longitudinal axis and a through channel along the axis;

a deployment wire that slidingly receives the through channel of the one of the first and second members and pierces into the tissue; and

a pusher that pushes the one of the first and second members into the tissue while on the deployment wire,

wherein the first member, the second member, and the connecting member of the fastener are integrally formed from a same tubular member stock, and

wherein the connecting member comprises a strip of the tubular member formed by a pair of longitudinal substantially parallel substantially coextensive cuts within the tubular member and the first and second members are formed by a substantially transverse circumferential cut between the substantially parallel coextensive cuts.

87. (original) The assembly of claim 86 wherein the tubular member has first and second exposed ends and wherein the substantially parallels substantially coextensive cuts begin spaced from the first end and terminate spaced from the second end, and wherein the first and second members are tubular member sections between the circumferential cut and the tubular member first and second ends.

88. (original) The assembly of claim 87 wherein the tubular member includes an elongated notch extending from one of the ends of the tubular member, substantially diametrically opposite and juxtaposed to a portion of the connecting member strip.

89. (previously presented) The assembly of claim 86 wherein the fastener is formed of a shape memory material.

90. (original) The assembly of claim 89 wherein the shape memory material is Nitinol.

91. (original) The assembly of claim 87 wherein both the first and second tubular members are arranged to be slidingly received on the deployment wire.

92. (original) The assembly of claim 91 further comprising a guide tube extending over the deployment wire and fastener.

93. (original) The assembly of claim 92 wherein the fastener is formed of a shape memory material.

94. (original) The assembly of claim 93 wherein the shape memory material is Nitinol.

95. – 114. Cancelled.